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EXAMINER	
PACHOL, NICHOLAS C	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/816,823	DOI ET AL.	
	Examiner	Art Unit	
	Nicholas C. Pachol	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-9,13-15 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-9,13-15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 8, 9, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanimoto (US 2003/0081261) in view of Nishiguchi (US 2005/0068566).

Regarding Claim 1, Tanimoto teaches an image forming apparatus (Page 2, paragraph 28) for transmitting and receiving data to/from an external apparatus (Page 2, paragraph 29), the image forming apparatus comprising:

a communication unit that accesses the external apparatus (Page 3, paragraphs 41 and 42), and when the external apparatus stores image data addressed to the image forming apparatus, obtains the image data (Page 4, paragraph 45);

an image forming unit that performs an image forming operation according to the obtained image data (Page 5, paragraph 53);

a power-saving control unit that controls a power-saving mode to be activated or deactivated (Page 5, paragraph 53).

Tanimoto does not teach a communication control unit that controls the communication unit to make an access to the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed,

wherein the communication control unit further controls the communication unit to make an access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends.

Nishiguchi does teach a communication control unit that controls the communication unit to make an access to the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed (Page 4, paragraph 52),

wherein the communication control unit further controls the communication unit to make an access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends (Page 4, paragraph 52).

Tanimoto and Nishiguchi are combinable because they both teach accessing an image forming device that may be in an idle state.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanimoto with the teachings of

Nishiguchi for the purpose of obtaining the proper print data at the proper time that can be processed by that printer (Nishiguchi: Page 2, paragraph 19).

Regarding Claim 8, Tanimoto teaches an image forming system (Figure 1 and Page 2, paragraph 29) comprising: a server for storing image data (Figure 1, element 40 and Page 2, paragraph 29); and an image forming apparatus for transmitting and receiving data to/from the server via a network (Figure 1, element 20 and Page 2, paragraphs 28 and 29), wherein

the server includes:

a storage unit that stores image data in correspondence with a network address (Page 4, paragraph 45); and

a transmission unit that, in response to a request by an external terminal, transmits image data that corresponds to a network address of the external terminal (Page 4, paragraph 45), and

the image forming apparatus includes:

a request unit that accesses the server and requests, from the server, image data addressed to the image forming apparatus (Page 5, paragraph 53);

a reception unit that receives the image data transmitted from the server (Page 5, paragraph 53);

an image forming unit that performs an image forming operation according to the received image data (Page 5, paragraph 53);

a power-saving control unit that controls a power-saving mode to be activated or deactivated (Page 3, paragraph 37).

Tanimoto does not teach a request control unit that controls the request unit to access the server when a first time period, set according to a frequency of receiving image data after a last access to the server, has passed,

wherein the request control unit further controls the request unit to make an access to the server at an additional time of when the power-saving mode is deactivated or an image forming processing ends.

Nishiguchi teaches a request control unit that controls the request unit to access the server when a first time period, set according to a frequency of receiving image data after a last access to the server, has passed (Page 4, paragraph 52),

wherein the request control unit further controls the request unit to make an access to the server at an additional time of when the power-saving mode is deactivated or an image forming processing ends (Page 4, paragraph 52).

Tanimoto and Nishiguchi are combinable because they both teach accessing an image forming device that may be in an idle state.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanimoto with the teachings of Nishiguchi for the purpose of obtaining the proper print data at the proper time that can be processed by that printer (Nishiguchi: Page 2, paragraph 19).

Regarding Claim 9, Tanimoto teaches an image forming method executed in an image forming apparatus (Page 2, paragraphs 29 and 30, where there is a method to perform the stated operations), the image forming apparatus having a power-saving unit that controls a power-saving mode to be activated or deactivated (Page 2, paragraphs 30 and 31), and being for transmitting and receiving data to/from an external apparatus (Page 2, paragraphs 30 and 31), the image forming method comprising:

when the external apparatus stores image data addressed to the image forming apparatus, obtaining the image data (Page 4, paragraph 45); and

performing an image forming operation according to the obtained image data (Page 5, paragraph 53).

Tanimoto does not teach making an access to the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed;

making another access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends.

Nishiguchi teaches making an access to the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed (Page 4, paragraph 52);

making another access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends (Page 4, paragraph 52).

Tanimoto and Nishiguchi are combinable because they both teach accessing an image forming device that may be in an idle state.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanimoto with the teachings of Nishiguchi for the purpose of obtaining the proper print data at the proper time that can be processed by that printer (Nishiguchi: Page 2, paragraph 19).

Regarding Claim 15, Tanimoto further teaches wherein the external apparatus functions as an electronic mail server (Page 4, paragraph 45), and the image data obtained at the image-data obtaining step from the external apparatus is image data attached to electronic mail (Page 5, paragraph 51).

Regarding Claim 17, Tanimoto teaches a computer-readable recording medium that stores therein a program executed in an image forming apparatus (Page 3, paragraph 34), the image forming apparatus having a power-saving unit that controls a power-saving mode to be activated or deactivated (page 5, paragraph 53), and being for transmitting and receiving data to/from an external apparatus (Page 2, paragraphs 30 and 31), the program making the image forming apparatus perform:

when the external apparatus stores image data addressed to the image forming apparatus, obtaining the image data (Page 4, paragraph 45); and

performing an image forming operation according to the obtained image data (Page 5, paragraph 53).

Tanimoto does not teach accessing the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed;

making another access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends.

Nishiguchi teaches accessing the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed (Page 4, paragraph 52);

making another access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends (Page 4, paragraph 52).

Tanimoto and Nishiguchi are combinable because they both teach accessing an image forming device that may be in an idle state.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanimoto with the teachings of Nishiguchi for the purpose of obtaining the proper print data at the proper time that can be processed by that printer (Nishiguchi: Page 2, paragraph 19).

4. Claims 5-7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanimoto (US 2003/0081261) in view of Nishiguchi (US 2005/0068566) further in view of Gu (US 6,744,780).

Regarding Claim 5, Tanimoto in view of Nishiguchi does not teach a prohibition unit that prohibits the communication unit from accessing the external apparatus, until a second time period has passed after a last access to the external apparatus.

However, Gu does teach a prohibition unit that prohibits the communication unit from accessing the external apparatus, until a second time period has passed after a last access to the external apparatus (Column 8, lines 30-52).

Tanimoto in view of Nishiguchi and Gu are combinable because they all deal with communicating across a network.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Tanimoto in view of Nishiguchi with the teachings of Gu for the purpose of decreasing the traffic activity produced by the network elements (Gu: Column 1, lines 48-51).

Regarding Claim 6, Tanimoto teaches an image forming apparatus (Page 2, paragraph 28) for transmitting and receiving data to/from an external apparatus (page 2, paragraph 29), the image forming apparatus comprising:

a communication unit that accesses the external apparatus (Page 3, paragraphs 41 and 42), and when the external apparatus stores image data addressed to the image forming apparatus, obtains the image data (Page 4, paragraph 45);

an image forming unit that performs an image forming operation according to the obtained image data (page 5, paragraph 53);

a power-saving control unit that controls a power-saving mode to be activated or deactivated (Page 5, paragraph 53); and

wherein the power-saving control unit activates the power-saving mode when no image forming operation is performed for a third time period, and the second time period is shorter than the third time period (Page 5, paragraph 67, where since the user can set up the time for warming up to improve the energy saving, the user can set the time intervals so that the second time period, taught in Gu, is shorter then the third time period).

Tanimoto does not teach a communication control unit that controls the communication unit to make an access to the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed; and

a prohibition unit that prohibits the communication unit from accessing the external apparatus, until a second time period has passed after a last access to the external apparatus;

wherein the communication control unit further controls the communication unit to make another access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends.

Nishiguchi teaches a communication control unit that controls the communication unit to make an access to the external apparatus when a first time period, set according to a frequency of receiving image data after a last access to the external apparatus, has passed (Page 4, paragraph 52); and

wherein the communication control unit further controls the communication unit to make another access to the external apparatus at an additional time of when the power-saving mode is deactivated or an image forming processing ends (Page 4, paragraph 52).

Tanimoto and Nishiguchi are combinable because they both teach accessing an image forming device that may be in an idle state.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanimoto with the teachings of Nishiguchi for the purpose of obtaining the proper print data at the proper time that can be processed by that printer (Nishiguchi: Page 2, paragraph 19).

Gu does teach a prohibition unit that prohibits the communication unit from accessing the external apparatus, until a second time period has passed after a last access to the external apparatus (Column 8, lines 30-52)..

Tanimoto in view of Nishiguchi and Gu are combinable because they all deal with communicating across a network.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Tanimoto in view of Nishiguchi with the teachings of Gu for the purpose of decreasing the traffic activity produced by the network elements (Gu: Column 1, lines 48-51).

Tanimoto in view of Nishiguchi further in view of Gu teaches wherein the power-saving control unit activates the power-saving mode when no image forming operation is performed for a third time period, and the second time period is shorter than the third

time period (Tanimoto: Page 5, paragraph 67, where since the user can set up the time for warming up to improve the energy saving, the user can set the time intervals so that the second time period, taught in Gu, is shorter then the third time period).

Regarding Claim 7, Tanimoto further teaches wherein the external apparatus functions as an electronic mail server, and the image data that the communication unit obtains from the external apparatus is image data attached to electronic mail (Page 5, paragraph 51).

Regarding Claim 13, Tanimoto in view of Nishiguchi does not teach wherein the image-data obtaining step includes an access prohibition substep of prohibiting an access to the external apparatus, until a second time period has passed after a last access to the external apparatus.

Gu does teach wherein the image-data obtaining step includes an access prohibition substep of prohibiting an access to the external apparatus, until a second time period has passed after a last access to the external apparatus (Column 8, lines 30-52).

Tanimoto in view of Nishiguchi and Gu are combinable because they all deal with communicating across a network.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Tanimoto in view of Nishiguchi with the teachings

of Gu for the purpose of decreasing the traffic activity produced by the network elements (Gu: Column 1, lines 48-51).

Regarding Claim 14, Tanimoto further teaches wherein the power-saving control unit activates the power-saving mode when no image forming operation is performed for a third time period, and the second time period is shorter than the third time period (Page 5, paragraph 67, where since the user can set up the time for warming up to improve the energy saving, the user can set the time intervals so that the second time period, taught in Gu, is shorter then the third time period).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas C. Pachol whose telephone number is 571-270-3433. The examiner can normally be reached on M-Thr, 8:00 a.m.- 4:00 p.m. (EST), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. C. P./
Examiner, Art Unit 2625

02/10/10

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625